

Introduced by Senator Simitian

January 18, 2012

An act to amend Section 21083.9 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 972, as introduced, Simitian. Environmental quality: California Environmental Quality Act: scoping meeting.

(1) Existing law requires a lead agency to provide to, among others, an organization or individual who has filed a written request a notice of at least one scoping meeting for projects of statewide, regional, or areawide significance.

This bill would additionally require the lead agency to provide the above notice to an entity that has filed a written request for the notice, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21083.9 of the Public Resources Code
2 is amended to read:

1 21083.9. (a) Notwithstanding Section 21080.4, 21104, or
2 21153, a lead agency shall call at least one scoping meeting for
3 either of the following:

4 (1) A proposed project that may affect highways or other
5 facilities under the jurisdiction of the Department of Transportation
6 if the meeting is requested by the department. The lead agency
7 shall call the scoping meeting as soon as possible, but not later
8 than 30 days after receiving the request from the Department of
9 Transportation.

10 (2) A project of statewide, regional, or areawide significance.

11 (b) The lead agency shall provide notice of at least one scoping
12 meeting held pursuant to paragraph (2) of subdivision (a) to all of
13 the following:

14 (1) A county or city that borders on a county or city within
15 which the project is located, unless otherwise designated annually
16 by agreement between the lead agency and the county or city.

17 (2) A responsible agency.

18 (3) A public agency that has jurisdiction by law with respect to
19 the project.

20 (4) A transportation planning agency or public agency required
21 to be consulted pursuant to Section 21092.4.

22 (5) An *entity*, organization, or individual who has filed a written
23 request for the notice.

24 (c) For an entity, organization, or individual that is required to
25 be provided notice of a lead agency public meeting, the requirement
26 for notice of a scoping meeting pursuant to subdivision (b) may
27 be met by including the notice of a scoping meeting in the public
28 meeting notice.

29 (d) A scoping meeting that is held in the city or county within
30 which the project is located pursuant to the federal National
31 Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.)
32 and the regulations adopted pursuant to that act shall be deemed
33 to satisfy the requirement that a scoping meeting be held for a
34 project subject to paragraph (2) of subdivision (a) if the lead agency
35 meets the notice requirements of subdivision (b) or subdivision
36 (c).

37 (e) The referral of a proposed action to adopt or substantially
38 amend a general plan to a city or county pursuant to paragraph (1)
39 of subdivision (a) of Section 65352 of the Government Code may
40 be conducted concurrently with the scoping meeting required

1 pursuant to this section, and the city or county may submit its
2 comments as provided pursuant to subdivision (b) of that section
3 at the scoping meeting.

4 SEC. 2. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 a local agency or school district has the authority to levy service
7 charges, fees, or assessments sufficient to pay for the program or
8 level of service mandated by this act, within the meaning of Section
9 17556 of the Government Code.